

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-9, 11, 13-16, 40-51, 54, and 55 are pending in the application, with claims 1 and 9 being the independent claims. Claims 1, 9, 43, 45, 46, and 51 are sought to be amended. Claims 52 and 53 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 54 and 55 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 9, 52, and 53

Claims 1 and 9 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Publication No. 2003/0105854 to Thorsteinsson et al. (“Thorsteinsson”). Claims 52 and 53 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thorsteinsson and U.S. Publication No. 2003/0007001 to Zimmerman (“Zimmerman”).

Claims 52 and 53 have been canceled by the above amendment, thereby rendering the rejection of those claims moot. Claims 1 and 9 have been amended to include features recited in previously pending claims 52 and 53. Because claims 1 and 9 include features recited in previously pending claims 52 and 53, the ground of rejection

applied to those claims is respectfully traversed in regarding to claims 1 and 9, as amended.

The combination of Thorsteinsson and Zimmerman does not teach or suggest at least the following feature recited in independent claim 1:

a controller configured to receive the request for the action be performed at one of the distributed electronic devices and to generate first management instructions to adjust the distributed electronic devices responsive to the action to be performed at the one of the distributed electronic devices and the device information, *wherein the controller is further configured to analyze a video signal received by one of the distributed electronic devices to determine if a change in a characteristic of the video signal occurs in response to the distributed electronic devices being adjusted in response to the action to be performed at one of the distributed electronic devices and the device information, and generate second management instructions to adjust the distributed electronic devices based on the change in the characteristic of the video signal*

On page 12 of the Office Action the Examiner admits and Applicants agree that “Thorsteinsson fails to disclose generating management instructions to adjust the distributed electronic devices based on a change is at least one of an input video signal and audio signal received by one of the distributed electronic devices.” (Office Action, p. 12). However, the Examiner contends that Zimmerman cures the deficiency of Thorsteinsson. Applicants respectfully disagree.

Zimmerman discloses that many of today’s service providers offer not only video and audio data streams, but also a separate stream of metadata multiplexed with the video and audio data streams. (Zimmerman, ¶¶ 5-6.) The metadata, according to Zimmerman, “is used to transmit electronic program guides (EPGs), which contain, among other items, a service description and event information description of the video and audio content.” (Zimmerman, ¶ 6.) The event information is “referred to as genre

classifications or content type.” (*Id.*) Four specific examples of content types are disclosed by Zimmerman: sports, music, Sci-Fi, and talk show. (Zimmerman, ¶ 25.)

Zimmerman is directed “to a system for automatically adjusting picture and sound settings of a video and/or audio output device” based on the metadata associated with a particular channel currently being viewed. (Zimmerman, ¶ 2.) For example, at paragraph 26, Zimmerman discloses:

[W]hen the system is tuned, for example, to channel 40, processor 101 will extract elements a-c from the metadata string in signal 140. Processor 101 thus determines from element c that the content type of channel 40 is “sports”. Processors 101 then searches memory 106, determines that, for “Sports” content type, there is a pre-set and user-set setting for color and uses the user-set setting and adjust the color output to 5.

Thus, Zimmerman does not teach or suggest *analyzing the video signal* to determine if a change in a characteristic of the video signal occurs, let alone analyzing the video signal to determine if a change in a characteristic of the video signal occurs *in response to distributed electronic devices being adjusted in response to an action to be performed at one of the distributed electronic devices*, as recited in claim 1. Rather Zimmerman adjusts picture and sound settings of a video output device based on an analysis of metadata that is contained in a stream of data different from that of the video data. (Zimmerman, ¶ 26.)

Thus, like Thorsteinsson, Zimmerman does not teach or suggest “a controller configured to receive the request for the action be performed at one of the distributed electronic devices and to generate first management instructions to adjust the distributed electronic devices responsive to the action to be performed at the one of the distributed electronic devices and the device information, wherein the controller is further configured to analyze a video signal received by one of the distributed electronic devices,

determine if a change in a characteristic of the video signal occurs in response to the distributed electronic devices being adjusted in response to the action to be performed at one of the distributed electronic devices and the device information, and generate second management instructions to adjust the distributed electronic devices based on the change in the characteristic of the video signal,” as recited in claim 1.

Because the combination of Thorsteinsson and Zimmerman does not teach or suggest each and every feature of independent claim 1, they cannot render claim 1 unpatentable. Accordingly, Applicants respectfully request the rejection of claim 1 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Independent claim 9 recites, among other features, “analyzing a video signal received by one of the distributed electronic devices; determining if a change in a characteristic of the video signal occurs in response to the distributed electronic devices being adjusted in response to the action to be performed at one of the distributed electronic devices and the device information; generating second management instructions to adjust the distributed electronic devices based on the change in the characteristic of the video signal.” As noted above, in regard to claim 1, the combination of Thorsteinsson and Zimmerman does not teach or suggest at least these features. Therefore, the combination of Thorsteinsson and Zimmerman cannot render independent claim 9 unpatentable. Accordingly, Applicants respectfully request the rejection of claims 9, 11, 16, 40, and 42-45 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 2-4, 6-8, 16, 40, 42, and 45-47

Claims 2-4, 6-8, 16, 40, 42, and 45-47 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thorsteinsson in view of U.S. Publication No.

2004/0148632 to Park et al. ("Park"). For the reasons set forth below, Applicants respectfully traverse.

Without acquiescing to the propriety of the asserted combination, Park does not cure the deficiencies of Thorsteinsson and Zimmerman with respect to independent claims 1 and 9, as noted above. Dependent claims 2-4, 6-8, 16, 40, 42, and 45-47 are similarly not rendered unpatentable by the combination of Thorsteinsson, Zimmerman, and Park for the same reason as claims 1 and 9, from which they respectively depend, and further in view of their own features. Accordingly, Applicants respectfully request that the rejection of claims 2-4, 6-8, 16, 40, 42, and 45-47 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 5 and 13-15

Claims 5 and 13-15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thorsteinsson in view of Park and U.S. Publication No. 2005/0117052 to Willes et al. ("Willes"). For the reasons set forth below, Applicants respectfully traverse.

Without acquiescing to the propriety of the asserted combination, Willes does not cure the deficiencies of Thorsteinsson, Zimmerman, and Park with respect to independent claims 1 and 9, as noted above. Dependent claims 5 and 13-15 are similarly not rendered unpatentable by the combination of Thorsteinsson, Zimmerman, Park, and Willes for the same reason as claims 1 and 9, from which they respectively depend, and further in view of their own features. Accordingly, Applicants respectfully request that the rejection of claims 5 and 13-15 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claim 11

Claims 11 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thorsteinsson in view of Applicant's Admitted Prior Art (AAPA). For the reasons set forth below, Applicants respectfully traverse.

Without acquiescing to the propriety of the asserted combination, AAPA does not cure the deficiencies of Thorsteinsson and Zimmerman with respect to independent claim 9, as noted above. Dependent claim 11 is similarly not rendered unpatentable by the combination of Thorsteinsson, Zimmerman, and AAPA for the same reason as claim 9, from which it depends, and further in view of its own feature. Accordingly, Applicants respectfully request that the rejection of claim 11 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

New Claims

New claims 54 and 55 respectively depend from claims 1 and 9 and are therefore patentable for at least the same reason as claim 1 and 9, presented above, and further in view of their own features. Accordingly, Applicants respectfully request favorable consideration of claims 54 and 55.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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